IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL'S AUTOMOTIVE

SERVICE, INC. : Civil Action No. 08-994

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Appellant : Related to Bkrtcy No. 04-26290 BM

VS.

DLJ MORTGAGE CAPITAL, INC., its successors and/or assigns, Karen S. Swaney Earl Swaney, II and Lisa M. Swope,

Trustee Trustee

Appellees

ORDER OF COURT

AND NOW, this 29th day of August, 2008, upon consideration of Appellant's Motion to Dismiss Appeal, IT IS HEREBY ORDERED that the motion is GRANTED and the above captioned bankruptcy appeal is hereby DISMISSED.

BY THE COURT,

s/Gary L. Lancaster
Gary L. Lancaster
United States District Judge